

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: PALBOCICLIB PATENT)	
LITIGATION)	MDL No. 19-md-2912 (CFC)
)	
PFIZER INC., WARNER-LAMBERT)	
COMPANY LLC, PF PRISM C.V.,)	
PFIZER MANUFACTURING)	
HOLDINGS LLC, PFIZER PFE)	
IRELAND PHARMACEUTICALS)	
HOLDING 1 B.V. and PF PRISM IMB)	
B.V.,)	
)	
Plaintiffs,)	C.A. No. 19-743 (CFC)
)	CONSOLIDATED
v.)	
)	
AIZANT DRUG RESEARCH)	
SOLUTIONS PVT. LTD., et al.,)	
)	
Defendants.)	

MOTION FOR DISCOVERY CONFERENCE

For the reasons stated in Plaintiffs' letter submitted herewith, Plaintiffs respectfully request an order that Defendants Zydus Pharmaceuticals (USA) Inc., Zydus Worldwide DMCC and Cadila Healthcare, Ltd. shall within 7 days: (1) supplement their responses to Plaintiffs' Interrogatory Nos. 1–4 to state their non-infringement contentions (or state that they have no non-infringement contentions); and (2) supplement their response to Plaintiffs' Interrogatory No. 9.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Megan E. Dellinger

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September 25, 2020

RULE 7.1.1 CERTIFICATE

I hereby certify that the subject of the foregoing motion has been discussed with counsel for Defendants Zydus Pharmaceuticals (USA) Inc., Zydus Worldwide DMCC and Cadila Healthcare, Ltd., including a teleconference on September 3 that included lead and Delaware counsel for both parties, and that the parties were unable to reach agreement.

/s/ Megan E. Dellinger

Megan E. Dellinger (#5739)

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B.V.)	
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)	C.A. No. 19-743 (CFC)
v.)	(CONSOLIDATED)
)	
AIZANT DRUG RESEARCH)	
SOLUTIONS PVT. LTD. <i>et al.</i> ,)	
)	
Defendant.)	

[PROPOSED] ORDER

THIS MATTER having come before the Court on the motion and letter briefing of Plaintiffs Pfizer Inc., Warner-Lambert Company LLC, PF PRISM C.V., Pfizer Manufacturing Holdings LLC, Pfizer PFE Ireland Pharmaceuticals Holding 1 B.V., and PF PRISM IMB B.V. (collectively, “Plaintiffs”) raising discovery disputes with Defendants Zydus Pharmaceuticals (USA) Inc., Zydus Worldwide DMCC, and Cadila Healthcare Limited (collectively, “Zydus”), and the Court having held a discovery conference on September 30, 2020;

IT IS HEREBY ORDERED that within 7 days:

1. Zydus shall supplement its responses to Interrogatory Nos. 1–4 to disclose, in detail and on a claim-by-claim basis for each Asserted Claim, all of the factual and legal bases for Zydus’s contention that its ANDA Product or the use of its ANDA Product does not meet any limitation of each Asserted Claim. If Zydus does not have any bases for non-infringement of an Asserted Claim beyond its assertion that the Patent-in-Suit is invalid, it shall so state in its response; and

2. Zydus shall supplement its responses to Interrogatory No. 9 to identify and describe all market research that it undertook, purchased, or commissioned related to any product containing palbociclib, including Ibrance®. To the extent Zydus relies on Federal Rule of Civil Procedure 33(d), Zydus must identify by Bates number all documents that it contends provide information responsive to the Interrogatory.

SO ORDERED this _____ day of September 2020.

United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2020, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused to be served copies of the foregoing document on September 25, 2020, upon the following in the manner indicated:

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/s/ Megan E. Dellinger

Megan E. Dellinger (#5739)